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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,741	06/26/2003	Motoyuki Fujimori	116390	4859

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OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/603,741

Applicant(s)

FUJIMORI ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12-16-03, 1-12-04.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 10, 13, 14, 16, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 1-3, 5-9, 11, 12, 15, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-5-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Receipt and entry of Applicant's Preliminary Amendments to the claims dated December 16, 2003 and January 12, 2004 is acknowledged.

### *Drawings*

The drawings are objected to under 37 C.F.R. 1.84(i), because figures 17a-17d each show multiple views in the same figure, and because in figure 12, there is no lead line for "702C". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

The Substitute Specification dated January 12, 2004 has not been entered, because it contains new matter as set forth below:

The amendment filed January 12, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In paragraph 65, the specification has been amended to state that the exterior case is synthetic resin. This is new matter, because there is no support in the original specification for this added feature.

Applicant is required to cancel the new matter in the reply to this Office Action.

The disclosure is objected to because it is replete with clerical and grammatical errors too numerous to mention in all instances. The following are several examples of defects. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

In paragraph 2 line 1, "presentationat conference" should be changed to -- presentations at conferences --.

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In paragraph 2, line 2, "exhibitionetc" should be changed to -- exhibitions, etc. --.

In paragraph 3, line 4, "guides" should be changed to -- guiding --.

Figures 17a-17d should be separately described in the specification.

The specification is replete with instances of the term "the opening ratio" (see paragraphs 28-30 and 138, for example), which is unclear as to what the quotient of the parameters are in "the opening ratio".

### ***Examiner's Suggestions to Claim Language***

The following are suggestions to improve the clarity and precision of the claims:

In claim 11, line 4, "the" (first occurrence) may be changed to -- a --.

In claim 12, line 3, "the" (first occurrence) may be changed to -- a --.

In claim 16, line 4, "the" (first occurrence) may be changed to -- a --.

In claim 18, line 4, "the" (first occurrence) may be changed to -- a --.

### ***Claim Objections***

Claims 1-20 are objected to because of the following informalities: Appropriate correction is required.

In claim 1, line 6, "an" (last occurrence) should be deleted.

In claim 1, line 11, the" (first occurrence) should be deleted.

In claim 8, line 9, "an" should be deleted.

In claim 16, last line, "an" should be deleted.

In claim 18, last line, "surface is" should be changed to -- surfaces are --.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4, 10, and 13-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 4, which has been amended in the Preliminary Amendment dated January 12, 2004, adds new matter by reciting that the cross section of the main fin is at least one of streamlined and approximately streamlined. There is no support in the original specification for the cross section of the main fin being both streamlined and approximately streamlined at the same time. Claim 4, which has been amended in the Preliminary Amendment dated January 12, 2004, adds new matter by reciting that the cross section of the auxiliary fin is at least one of similar and approximately similar. There is no support in the original specification for the cross section of the main fin being both similar and approximately similar at the same time. Claim 10, which has been amended in the Preliminary Amendment dated January 12, 2004, adds new matter by reciting that the frame is made of at least one of metal and resin. There is no support in the original specification for the frame being both metal and resin at the same time. Claim 13, which has been amended in the Preliminary Amendment dated January 12, 2004, adds new

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matter by reciting that the filter has at least one of a polygonal and a circular profile. There is no support in the original specification for the filter being both polygonal and circular at the same time.

Claims 4, 10, 13-14, 16-17, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4, which has been amended in the Preliminary Amendment dated January 12, 2004, is inaccurate in that it recites that the cross section of the main fin is at least one of streamlined and approximately streamlined. It is unclear how the main fin cross section can be both streamlined and approximately streamlined at the same time, because if the main fin cross section is streamlined, it is no longer considered to be "approximately streamlined". Claim 10, which has been amended in the Preliminary Amendment dated January 12, 2004, is inaccurate in that it recites that the frame is made of at least one of a metal and a resin. It is inaccurate to state that the frame is made of both a metal and a resin, because the specification (see paragraph 20 for example) states that the frame is made of either a metal or a resin. Claim 13, which has been amended in the Preliminary Amendment dated January 12, 2004, is inaccurate in that it recites that the filter has at least one of a polygonal and a circular profile. It is inaccurate to state that the filter has both a polygonal profile and a circular profile, because the specification (see paragraph 27, for example) states that the filter is has either a polygonal or a circular profile. Claim 14, line 3, which recites "the opening ratio of the filter" is unclear, because the specification does not define what the quotient of the parameters

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are in "the opening ratio". In claim 16, line 6, "thereinside" is indefinite, because it is unclear what element this refers to.

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horng and French Patent 1,012,041 are cited to show axial flow impellers with auxiliary fins.

Galassi, Mead, Daily, and Arnhyrn are cited to show fans with various filters.

Lin is cited to show a fan with a converging inlet casing.

Wrobel is cited to show a fan with a converging and diverging casing.

Amr is cited to show fan with spokes curved in a direction opposite to the impeller rotation direction.

Feinberg is cited to show a fan with louvers.

Miyazawa, Nakano, and Yamaguchi are cited to show projectors with impellers for cooling.

### ***Allowable Subject Matter***

Claims 1-3, 5-9, 11-12, 15, 18, and 20 contain allowable subject matter; Applicants should correct the informalities therein.



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Claims 16-17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.  
January 12, 2005

  
Christopher Verdier  
Primary Examiner  
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